IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH

JUDGMENT

Sheryar Khan & Others Vs. Board of Revenue Ajmer & Others
(SB Civil Writ Petition No.4202/1997)

SB Civil Writ Petition under Article
226 & 227 of the Constitution of India.

Date of order: November 22, 2006.

PRESENT

HON'BLE MR. JUSTICE SHIV KUMAR SHARMA

Mr. J.P.Goyal, for the petitioners.

Mr. M.L.Goyal, Addl.Government Advocate for the State.

BY THE COURT:

The application moved under section 212 Rajasthan Tenancy Act,1955 seeking appointment of receiver was dismissed by the Sub Divisional Officer Karauli. However on appeal Revenue Appellate Authority allowed the appeal and appointed receiver. The defendant preferred appeal against the said order that was allowed by Board of Revenue. Against the said order of Board of Revenue, the plaintiff petitioners have preferred instant writ petition.

2. I have heard Mr. Goyal and scanned the material on record.

3. Having heard the submissions and on scanning the material on record, I do not see any illegality in the order of Board of Revenue. In my opinion, since the land was not in medio no receiver could have been appointed. The finding of facts arrived at by the Board of Revenue cannot be interfered with in writ jurisdiction. In Sadhana Lodh Vs. National

Insurance Co. Ltd. (2003)3 SCC 524, their Lordships of Supreme Court defined the supervisory jurisdiction under Article 227 of the Constitution of India as under:-

> "The supervisory jurisdiction conferred on the High Courts under Article 227 of the Constitution is confined only to see whether an inferior court or tribunal has proceeded within its parameters and not to correct an error apparent on the face of the record, much less of an error of law. In exercising the supervisory power under Article 227 of the Constitution, the High Court does not act as an appellate court or the tribunal. It is also not permissible to a High Court on a petition filed under Article 227 of the Constitution to review or reweigh the evidence upon which the inferior court or tribunal purports to have passed the order or to correct errors of law in the decision."

4. For these reasons, I do not find any merit in the writ petition and the same stands dismissed without any order as to costs.

(Shiv Kumar Sharma),J.

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